



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,604	12/26/96	DENT	027540-828

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P O BOX 1404
ALEXANDRIA VA 22313-1404

KIZOU, H EXAMINER

ART UNIT PAPER NUMBER
2732

07/30/98
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/999,604

Applicant(s)

Dent

Examiner

Hassan Kizou

Group Art Unit

2732



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-28 is/are allowed.

☒ Claim(s) 29, 30, 32-34, and 36 is/are rejected.

☒ Claim(s) 31 and 35 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Reissue Applications

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. The pages of the specification, numbered 12 through 26 (as shown at the bottom of the pages), are renumbered 1-15 respectively. Applicant is advised to use the new page numbering in future references to the specification.

Oath/Declaration

3. The reissue oath/declaration filed with this application is defective because of the following:
 - (i) It does not identify the post office address of the inventor. A post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The post office address should include the ZIP Code designation.
 - (ii) The declaration does not state whether the inventor is a sole or joint inventor of the invention claimed.
 - (iii) The declaration fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The declaration points out differences between new claim 29 differ from patent claim 1, and states that claim 29 is provided to correct the error that a claim of such a scope was not presented in the original application. The declaration however does not clearly identify at *least one specific error in the original claims*. Stating that a claim of a certain scope was not originally provided does not meet the requirement that applicant should explicitly identify at least one error in the original claims. Applicant fails to identify which part of claim 1 is considered to be an error and why it is considered an error.

4. Claims 1-36 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29, 30, 32-34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (US 5103459), hereinafter referred to as Gilhousen, in view of Nguyen (US 5230084).

Gilhousen discloses a method for communicating information between a base station and mobile units in a cellular telephone system using CDMA (code division multiple access) technique (Figure 1). Each paging channel carries a control signal (calling channel signal) formed by coding control information using a respective spread spectrum code. Each voice channel carries a traffic signal formed by coding a voice signal with a respective spread spectrum code (Figure 4A). Signals from the channels are summed (Figure 4C) into a composite signal used to modulate a carrier frequency forming a radio frequency signal. The radio frequency signal is transmitted from the base station to the mobile units. Each mobile unit receives and processes the composite signal to extract from it control information traffic information (Figures 9-10). See column 4, lines 47-56; column 6, lines 21-55; column 12, lines 6-29; column 13, lines 21-59; column 21, line 30 through column 25, line 27; and column 29, line 20 through column 31, line 52.

Gilhousen does not disclose that control information for a specific group of mobile units is transmitted only at predetermined times (as specified in claims 29 and 33). Gilhousen also does not disclose assigning a mobile unit to a subgroup of data blocks and transmitting paging messages to the mobile unit only in the subgroup (as specified in claims 30 and 34).

Nguyen discloses a technique that enable selective call receivers in a radio communication system to save power and extend battery life. In this technique the message transmitting system designates the selective call receivers to operate in groups; orders the messages to be transmitted to the groups in a sequence of ordered batches; identifies the transmission batch sequence; and transmits the sequence of ordered batches. The receiver part of a selective call receiver is

powered up during a predetermined period only in order to receive the ordered batches directed to the group to which it belongs, while powered down the rest of the time. See column 1, lines 47-68. It is clear from the above discussion that Nguyen teaches the claimed limitations that Gilhousen fail to disclose. It would have been obvious to one of ordinary skill in the art to use Nguyen technique in Gilhousen's communications system in order to allow each mobile unit to save power and extend the life of its batteries, as a result of powering up its receiver only during periods where transmitted batches of control information is directed to the group to which it belongs.

Claims 32 and 36, specify that identification codes associated with mobile stations are used to determine assigned data block subgroups. It is respectfully submitted that this feature is inherently taught by Nguyen, as it is necessary to use the identification codes of the selective call receivers for the purpose of grouping them into different groups, so as to assign ordered batches to respective groups.

Allowable Subject Matter

7. Claims 31 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 1-28 are allowed.

Conclusion

9. Applicant is advised to submit an information disclosure statement including a PTO 1449 form listing all the references cited in the original patent, so that these references can be published in the reissue patent.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wieczorek et al (US 5150361) and Tiedemann, Jr. et al (US 5392287) are cited to show different techniques of power saving in radio communication systems.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Hassan Kizou* whose telephone number is (703) 305-4744. The examiner can normally be reached on Monday through Thursday from 7:00 am to 4:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Douglas Olms*, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Hassan Kizou', written in a cursive style.

Hassan Kizou
Primary Examiner

July 26, 1998